

downward direction. The changes to the drawings therefore do not constitute new matter.

Reconsideration and withdrawal of the objections to the drawings are therefore respectfully requested.

Claim Rejections - 35 U.S.C. 112

Claims 1-17 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. The examiner states that the claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains to make/use the invention. The examiner questions how the handle is interconnected with the push rod.

With the prior amendment applicant has submitted ample evidence in the form of excerpts of various patent documents that it is within the general knowledge of a person skilled in the art to provide a connection between handle and push rod for operating the push rod.

As discussed in the prior amendment, MPEP 2164.01 **Test of Enablement** states that

"any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention".

According to *United States v. Teletronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988), "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent **coupled with information known in the art without undue experimentation.**" (emphasis added). It is also set forth in this MPEP section that **"A patent need not teach, and preferably omits, what is well known in the art."** citing the following case law: *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

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Given the wide range of patent documentation relating to windows and doors and disclosing various types of connections of handles to push rods, there is certainly no undue experimentation required to realize the required connection of handle and push rods as a person skilled in the art is well aware of the types of connections available to him. Moreover, the Description of the Related Art section of the application describes in general terms reversing drives for the two push rods actuated by an actuating handle. As evidenced by the above cited case law: **A patent need not teach, and preferably omits, what is well known in the art.**

The present invention does not concern the particular type of connection of handle and push rods; the present invention deals with an **actuating element that is mounted on the push rod** and, when the push rod is moved by the handle (no matter how the action of the handle is transmitted onto the push rod to move the push rod), **the actuating element is moved by the push rod so that the actuating element actuates the at least one locking bar**. The configuration therefore simplifies locking and unlocking of doors etc. since the handle actuation causes the push rods to move and thereby lock or unlock the wings at the top and bottom rails and, since the actuator for the locking bar is mounted on the push rods, simultaneously also locks and unlocks the locking device at the opening side.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

Rejection under 35 U.S.C. 102

Claims 1-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Hansen et al.* (US 6,066,933).

Claim 1 sets forth that a handle is connected to the push rod(s) and that the push rod, when moved by the handle, entrains the actuating element mounted thereon and the actuating element actuates the at least one locking bar. Claim 1 claims that the actuator for the locking bar is **an actuating element in the form of a driver mounted on the push rod** in a matching position relative to the locking bar. When the push rod is moved, the actuating element mounted on the push rod is moved and the actuating element actuates

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the locking bar.

Examiner states applicant recognizes that there are several types of connections between handles and push rods but does not feel the need to specify which connection is used. Applicant would like to stress again that it is not the type of connection that is important for the invention - it is only required that the handle moves the push rod. The gist of the invention resides in that the push rod has an actuator mounted thereon and that the actuator is therefore moved when the push rod is moved and in that the actuator, when being moved, actuates the locking bar. As pointed out above and as discussed in the prior response, a person skilled in the art **KNOWS** the type of connections that are available.

Applicant again would like to point out that the actuator for the locking bar of *Hansen et al.* is the handle. The handle 71 is connected by means of the shaft 70 to the locking bar (lock actuator plate) 72 and directly actuates the lock actuator plate 72 when rotated. There is no actuator for the locking bar (lock actuator plate) mounted on the push rod 40. Moving the push rods is not required for locking or unlocking the lock actuator plate 72.

When comparing the device of *Hansen et al.* and the device of the present invention, the following course of action is realized:

<i>Hansen et al.</i>	Present Invention
HANDLE 71 ↓ LOCKING BAR 84 ↓ CAM DISC 90 ↓ PUSH ROD 40	HANDLE 10 ↓ PUSH ROD 9 ↓ ACTUATOR 18 ↓ LOCKING BAR 4

The present invention concerns a structurally different configuration and is not anticipated or obvious in view of prior art *Hansen et al.* because *Hansen et al.* does not have the actuator for the locking bar mounted on the push rod and there is no movement

of the push rod and of the actuator connected to the push rod that causes the locking bar to be actuated. The locking bar (element 84 which is integral with the plate 72) is only moved when the handle 71 is moved.

Examiner states that, contrary to applicant's position that the handle 71 is the actuator for the locking bar, the actuating element of *Hansen et al.* is the cam disk 90 and that the cam disk 90 acts on the locking bar 84 (locking bar 84 is part of the lock actuator plate 72; see col. 2, lines 59 to 62).

This is not so. The cam disk 90 at no time actuates the locking bar 84. The operation of the lock device of *Hansen et al.* is disclosed in col. 3, lines 26ff. The locked position is shown in Figs. 1 and 4 and the unlocked position in Fig. 5. The rotation of the handle 71 causes the lock actuator plate 72 to rotate by 180 degrees relative to Fig. 4; the end position is shown in Fig. 5. The rotation of plate 72 moves the post member 86 within the cutout 94 away from the shoulder 96 against the shoulder 98 (shown in dashed lines in Fig. 4) and upon further rotation of the plate 72 into the end position of Fig. 5. The cam disc 90 is rotated by the post member 86 from the position shown in Fig. 4 into the position shown in Fig. 5, i.e., the stud member 104 close to the shoulder 96 is moved by 90 degrees in the clockwise direction and pulls the rod 40 downwardly. At the same time, the rod 40 connected to the stud member 104 close to the shoulder 98 is pushed upwardly by the 90 degree rotation of the cam disc 90. This causes the latch bolts 34 to be withdrawn and the door can be opened. The lock actuator plate 72 thus moves the post member 86 and the post member 86 moves the cam disk 90. The cam disk 90 is not an actuator element acting on the locking bar, it is being acted upon by the locking bar 72, 84. The cam disk 90 may act upon/actuate the toggle bars (push rods) 40, but certainly never actuates the lock actuator plate and thus the locking bar 84. Examiner cannot define element 84 as the locking bar and then chose another "locking bar" (i.e., the toggle bars) as the elements to be acted on.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 102(b) are therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for

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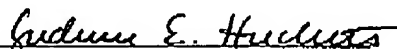
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allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on November 21, 2005,


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Encl.: replacement drawing sheet/s Figs. 3a, 3b (1 sheet)

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